

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-125712-001 DT

11/13/2017

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT
M. Mogel
Deputy

STATE OF ARIZONA

RICHARD E SERDEN
STANLEY J MARKS

v.

JEOFREY MUTINDA KAVU (001)

DIEGO RODRIGUEZ
MICHAEL S REEVES

PRETRIAL SERVICES AGENCY-CCC

TRIAL MINUTE ENTRY
DAY SEVEN

Courtroom SCT 7D

State's Attorney:	Richard Serden
Defendant's Attorney:	Diego Rodriguez and Michael Reeves
Defendant:	Present

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

10:30 a.m. Trial to jury continues from 11/09/2017.

The jury is not present.

Discussion is held regarding voir dire of witness Donald Stenberg.

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Defense counsel makes an oral Motion to Strike Donald Stenberg's Testimony.

Arguments presented.

For the reasons stated on the record,

IT IS ORDERED denying the defendant's motion.

Voir dire of Donald Stenberg commences.

Defense counsel makes an oral Motion to Preclude Retrograde Analysis.

Arguments presented.

For the reasons stated on the record,

IT IS ORDERED granting the motion.

IT IS FURTHER ORDERED upholding the court's previous ruling as blood alcohol content.

10:48 a.m. The jury is now present.

State's case continues:

Donald Stenberg resumes the stand and testifies further.

Counsel approach the bench and discuss matters, on the record, out of hearing of the jury.

The jury is instructed to disregard previous testimony as to blood alcohol content.

State rests.

10:55 a.m. The jury is reminded of previous admonitions and excused from the courtroom. Court stands at recess.

11:01 a.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

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The jury is not present.

Defense counsel moves for a judgment of acquittal as to Counts 1 and 4.

Arguments presented.

For the reasons stated on the record,

IT IS ORDERED denying defendant's motion for directed verdict.

Instructions are settled and verdicts are prepared.

11:10 a.m. Court stands at recess.

11:39 a.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

The jury is present.

Defendant's case:

Defendant rests.

The jury is instructed by the court as to the law applicable to this cause.

11:56 a.m. Court stands at recess.

1:27 p.m. Court reconvenes with respective counsel and defendant present.

The jury is not present.

Court Reporter, Monica Hill-Morrisette, is present.

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Discussion is held regarding State's exhibit 102.

Upon stipulation of the parties,

IT IS ORDERED withdrawing State's exhibit 102 and releasing same to counsel for the State.

ISSUED: Exhibit Release Form

1:30 p.m. The jury is now present.

Closing arguments.

2:40 p.m. Court stands at recess.

2:54 p.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

The jury is present.

Closing arguments resumes.

The jury is further instructed by the court as to the law applicable to this cause.

FILED: Final Jury Instructions

Juror number 4 and 11 are designated by lot and excused from further consideration of this cause.

3:22 p.m. The jury retires in charge of sworn bailiff to consider their verdicts. Court stands in recess.

4:27 p.m. The court having been advised that the jury will resume their deliberations at 10:30 a.m. on 11/14/2017, the jury is excused for the evening.